IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 358 (SS) OF 2006

Man Singh,
S/o late Sri Chanda Singh,
R/o Village & Post Office-Jagthana,
Tehsil-Kapkot, District – Bageshwar. .....Petitioner.

Versus

1. Director, Postal Services, Uttaranchal, Dehradun.
2. Chief Post Master General, Uttaranchal Circle, Dehradun, District- Dehradun. .....Respondents.

Mr. D.S. Patni, Advocate for the petitioner.
Mrs. Anjali Bhargava, Advocate for the Central Government.

Dated : 10.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ, order or direction in the nature of mandamus directing the respondent no. 2 to decide the Appeal/Representation dated 16.11.2004, 10.03.2005 and 13.02.2006 by a speaking order within a time framed as directed by the Hon'ble Court.

Briefly stated, the petitioner was appointed as Branch Post Master at Rural Postal Services, Branch Dakpal Jagthana, District Bageshwar on 29.11.1990.

In the year, 2000, one Mr. Chandra Singh, S/o Sri Ratan Singh made a complaint against the petitioner alleging that he had deposited a sum of Rs. 10,000/- under five years fixed deposit scheme on 24.08.2000, but the same was kept in deposit by the petitioner on 22.09.2000.

On the basis of the complaint made against the petitioner, an enquiry was set up against the petitioner and the petitioner was put under suspension on 12.02.2001.

One Sri M.S. Matela, Assistant Superintendent, Post Offices (East), Ranikhet was appointed as Enquiry Officer and Sri Sher Singh Bisht Sub-Divisional Superintendent, Post Offices (East), Bageshwar was appointed as presenting Officer.

On Sri G.S. Mehra was appointed as Defence Assistant for the petitioner and after examining the entire evidence and providing opportunity of hearing to all the concerned parties, the petitioner was discharged from the charge leveled against him on the basis of the complaint by Mr. Chandra Singh.

Petitioner has submitted that Sri Chandra Singh, on whose complaint, the enquiry was initiated, during the proceedings of enquiry submitted before the Enquiry Officer that he is not aware of any such complaint and further that the does not remember the date of depositing the amount.

Thereafter, the Enquiry Officer came to conclusion that no charge is made against the petitioner. Consequently, the suspension order dated 12.02.2001 was revoked and the petitioner was given the charge of Branch Post Master at Rural Postal Services, Branch Dakpal Jagthana, District Bageshwar on 28.01.2002.

The Presiding Officer vide letter dated 06.06.2002 submitted the enquiry report before the Superintendent Post Officer, Almora, but disagreeing with the aforesaid Enquiry Report, the Superintendent Post Officer discharged the petitioner vide order dated 29.11.2002/16.12.2002 without any show cause notice or providing any opportunity of hearing on the ground that the charges levelled against the petitioner are proved and passed a punishment order not permitting the

petitioner to appear in any departmental examinations for next three years.

The respondent in his order dated 29.11.2002/16.12.2002 has mentioned that the petitioner himself has admitted the charge levelled against him during the enquiry in his written statement dated 29.11.2000 and relying upon the alleged statements, the petitioner was held guilty and the punishment order was passed against him without providing any show cause notice or opportunity of hearing to the petitioner.

Petitioner has submitted that he has never written any such confession/ written statement, relying upon which, the punishment order has been passed against him.

On 20.10.2004, the respondent no. 1 the Director, Postal Services, Uttaranchal Circle, Dehradun passed an order removing the services of the petitioner, where the respondent no. 1 has not agreed with the conclusion reached at by the Enquiry Officer and also did not provided any opportunity of hearing or show cause to the petitioner.

Being aggrieved by the order-dated 20.10.2004, the petitioner filed an Appeal before the respondent no. 2, which is pending till date. After a lapse of more than a year, when no action was taken on the said appeal of the petitioner, he preferred a representation-dated 13.02.2006 before the respondent no. 2 requesting him to decide the appeal, which is pending for more than a year.

Learned counsel for the petitioner has submitted that as the appeal is pending for last two years, the entire family of the petitioner is suffering and is facing huge financial crisis, as the petitioner is the only earning member of the family.

Taking into consideration the financial condition of the family of the petitioner, the respondents are directed to decide the representations of the petitioner dated 16.11.2004,

10.03.2005 and 13.02.2006 for deciding the appeal within a period of six weeks from the date of presentation of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

10.03.2006
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